
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

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Bill No: SB 1272

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Fiscal: No

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LOCAL ORDINANCES: ADMINISTRATIVE FINES OR PENALTIES

Prohibits a local agency from issuing an administrative fine or penalty for a building or zoning code violation that does not create an immediate danger to health or safety if the current owner was not responsible for the violation.

Background

The United States and California Constitutions prohibit governments from impairing property rights without due process of law. The California Constitution also allows counties and cities to adopt and enforce ordinances that regulate local health, safety, peace, and welfare. Specifically, a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. This “police power” provides the right to adopt and enforce zoning and other regulations for the welfare of their citizens, as long as they do not conflict with state laws.

Local penalties for ordinance violations. As an alternative to civil and criminal enforcement mechanisms, a local agency’s legislative body can make any violation of any of its ordinances subject to an administrative fine or penalty (SB 814, Alquist, 1995). The local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties. The administrative procedures must grant a reasonable time to remedy a continuing violation before the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural and zoning issues that do not create an immediate danger to health or safety.

When a local agency imposes an administrative fine or penalty, the person must exhaust all available administrative remedies first before taking the matter to superior court. How the administrative appeals process operates varies, but appeals of building code violations must be heard by either an appeals board or the governing body of the local agency.

Under state law, a violation of a local ordinance is a misdemeanor unless a local ordinance makes it an infraction. In general, every ordinance violation that is an infraction is punishable by:

- A fine not exceeding \$100 for a first violation;
- A fine not exceeding \$200 for a second violation of the same ordinance within one year; and

- A fine not exceeding \$500 for each additional violation of the same ordinance within one year.

A violation of local building and safety codes that is an infraction is punishable by higher fines of:

- A fine not exceeding \$130 for a first violation;
- A fine not exceeding \$700 for a second violation of the same ordinance within one year; and
- A fine not exceeding \$1,300 for each additional violation of the same ordinance within one year.

Cities and counties may also impose fines and penalties through civil or criminal proceedings. These fines and penalties are limited to \$1,000 per violation and six months in prison.

Real estate transactions. When an owner sells a single-family residential property, they generally must provide the buyer with certain disclosures that outline the conditions and issues with the property of which the seller is aware. Many of these disclosures are made on the Real Estate Transfer Disclosure Statement (TDS), including any known significant defects in the insulation, roof, foundation, plumbing, and electrical systems, among others. The TDS also includes an extensive questionnaire relating to specific dangers or issues known about the property.

In addition to the disclosures included in the TDS, state law requires other disclosures and notices. A seller must disclose to a potential buyer whether the property is located in a designated high or very high FHSZ and must provide a natural hazard disclosure statement disclosing whether the property is located in various disaster areas.

Buyers may conduct additional due diligence measures, such as hiring a home inspector, scouring property records, and purchasing title insurance, to ensure that they fully understand the condition of the property that they are purchasing—and the liabilities that might come with it.

However, issues are not always discovered through this process. This means that sometimes buyers of property find out later that unpermitted work occurred on a property when code enforcement knocks on their door. In one circumstance, the County of Humboldt fined a couple \$1 million for an unpermitted structure constructed by a prior owner that the county alleged was used for cannabis cultivation.¹ The author wants to help property owners that unwittingly purchased properties with building or zoning code violations.

Proposed Law

Senate Bill 1272 prohibits a local agency from issuing an administrative fine or penalty for a building or zoning code violation that does not create an immediate danger to health or safety if:

- The property involved in the violation is an owner-occupied residential property;

¹ Billy Binion, *Reason Magazine*. "They Face \$1 Million in Fines—for Someone Else's Code Violations." 31 October 2025.

- The previous owner undertook the violation; and
- The violation was not disclosed in a TDS.

The bill makes conforming changes.

Comments

1. Purpose of the bill. According to the author, “Keeping costs predictable for homeowners to address the state’s growing affordability challenges is a matter of statewide concern. Homeowners are currently being unfairly penalized for actions taken by the previous homeowner on their property that do not pose an immediate danger to anyone’s health or safety. And on top of this, even when the homeowner wants to do the right thing and fix the violation, they face additional financial pressure from the administrative fees and penalties imposed by localities. SB 1272, Curbing Abusive Sanctions on Homeowners (CASH) Act, seeks to provide some relief to homeowners.”

2. Caveat emptor. The process of buying a home involves many steps to ensure that they are not saddled with unexpected property conditions. Because local governments can prosecute the current property owners for previous violations, the current structure adds an incentive to thoroughly vet properties for building and zoning code violations. This serves a broader public purpose: local officials enact these laws for the benefit of the community. For example, a recent San Francisco Chronicle article highlighted a circumstance where a buyer purchased a single family home that had been illegally converted from a fourplex by a previous owner, resulting in the loss of three relatively affordable housing units.² The City of San Francisco required the current owner to fix the violations.

SB 1272 repeals the ability of local agencies to administratively impose fines for building and zoning code violations for owner-occupied homes where the violation was done by a previous owner. This may allow buyers to look the other way, rather than fully investigating the condition of a prospective property, since they could no longer be subject to fines for any violations discovered after they take ownership. It could also encourage property owners to make illegal modifications and then quickly sell their property, claiming ignorance regarding whether a permit was necessary. It may also have the unintended effect of requiring code enforcement to pursue even harsher penalties authorized under existing law, such as jail time, to ensure compliance with building and zoning codes. Finally, local agencies don’t have the ability to track down the previous owner and, even if they could, it can be difficult to prove that the prior owner was in fact responsible. If the issue is unscrupulous sellers failing to disclose illegal modifications to a building, a better remedy may be to strengthen disclosure requirements or remedies for buyers who find out that they purchased a property with an undisclosed condition.

3. Help me help you. The purpose of code enforcement is to ensure that properties are maintained in accordance with all applicable laws. While cases of overzealous code enforcement have occurred, local agencies generally prefer to work with property owners to remedy violations and use the prospect of fines to ensure speedy resolution. Local agencies that want to use the administrative fine authority in law must grant the property owner a reasonable period of time, as specified in their local ordinance, to fix the violation before imposing fines. Local ordinances

² Alyce McFadden, *San Francisco Chronicle*. “They bought their North Beach dream home. The city says it must become four apartments.” 10 March 2026.

vary, but often grant between 10 days and a month to make the necessary fixes. For more significant violations, this may be too short of a period of time to identify the necessary funds, vet contractors, and complete the work. To align with the intent to assist property owners who did not commit the violation while preserving the integrity of building and zoning codes, the Committee may wish to consider amending SB 1272 to delete the provision prohibiting administrative fines and instead require local agencies, in circumstances where the current owner was unaware of a prior owner's violation, to grant at least 6 months to cure the violation, extended to at least 12 months upon showing of a good faith effort to comply, before assessing fines or penalties.

4. Let's be clear. SB 1272 intends to help owners that had no idea they were harboring a violation on their property. However, the bill as drafted misses some details to ensure that it furthers this intent. The Committee may wish to consider the following clarifying amendments:

- SB 1272 assumes that if it wasn't disclosed on the TDS, then the buyer had no knowledge of the violation. However, a buyer may identify issues through other means, such as inspections performed by a home inspector. To ensure that the owner truly had no knowledge of the violation, the Committee may wish to consider amending SB 1272 to require the current owner of the property to submit a sworn affidavit that they were not responsible for the violation and had no knowledge of the violation.
- SB 1272 requires as a condition of blocking the fees that the violation was not contained in the TDS, but a local agency does not automatically have access to the TDS. To ensure that the local agency has access to the requisite information, the Committee may wish to consider amending SB 1272 to require the current owner to provide evidence that the violation was not disclosed on the TDS.

5. Charter city. The California Constitution allows cities that adopt charters to control their own "municipal affairs." In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define "municipal affairs," the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. SB 1272 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that keeping costs predictable for homeowners to address the state's growing affordability challenges is a matter of statewide concern.

Support and Opposition (4/24/2026)

Support: None Submitted

Opposition: California Association of Code Enforcement Officers
California State Association of Counties
Rural County Representatives of California
Solano County Board of Supervisors

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